



General Assembly

Substitute Bill No. 894

January Session, 2017

* SB00894KID 030717 *

AN ACT ESTABLISHING THE STATE OVERSIGHT COUNCIL ON CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-4 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2017*):

3 (a) There shall be a State [Advisory] Oversight Council on Children
4 and Families which shall consist of [nineteen members as follows: (1)
5 Thirteen members appointed by the Governor, including two persons
6 who are child care professionals, two persons eighteen to twenty-five
7 years of age, inclusive, served by the Department of Children and
8 Families, one child psychiatrist licensed to practice medicine in this
9 state and one attorney who has expertise in legal issues related to
10 children and youth and seven persons who shall be representative of
11 young persons, parents and others interested in the delivery of services
12 to children and youths, including child protection, behavioral health,
13 juvenile justice and prevention services, at least four of whom shall be
14 parents, foster parents or family members of children who have
15 received, or are receiving, behavioral health services, child welfare
16 services or juvenile services; and (2)] the following members: (1) Two
17 members appointed by the speaker of the House of Representatives,
18 one of whom shall have expertise in providing services through the
19 family assessment response program operated by the Department of

20 Children and Families, and one of whom shall be an advocate for
21 children and youths; (2) two members appointed by the president pro
22 tempore of the Senate, one of whom shall have expertise in providing
23 behavioral health services to children and youths served by the
24 Department of Children and Families, and one of whom shall be a
25 parent, foster parent or family member of a child or youth who has
26 received, or is receiving, behavioral health services, child welfare
27 services or juvenile services; (3) two members appointed by the
28 majority leader of the House of Representatives, one of whom shall be
29 between the ages of eighteen and twenty-five and a former recipient of
30 in-home services or supervision provided by the Department of
31 Children and Families, and one of whom shall be a parent, foster
32 parent or family member of a child or youth who has received, or is
33 receiving, behavioral health services, child welfare services or juvenile
34 services; (4) two members appointed by the majority leader of the
35 Senate, one of whom shall be a child psychiatrist licensed to practice
36 medicine in this state, and one of whom shall be a parent, foster parent
37 or family member of a child or youth who has received, or is receiving,
38 behavioral health services, child welfare services or juvenile services;
39 (5) two members appointed by the minority leader of the House of
40 Representatives, one of whom shall be between the ages of eighteen
41 and twenty-five and a former foster child, and one of whom shall be a
42 parent, foster parent or family member of a child or youth who has
43 received, or is receiving, behavioral health services, child welfare
44 services or juvenile services; (6) two members appointed by the
45 minority leader of the Senate, one of whom shall be an attorney with
46 expertise in legal issues related to children and youths, and one of
47 whom shall be an advocate for children and youths; (7) the
48 chairpersons and ranking members of the joint standing committees of
49 the General Assembly having cognizance of matters relating to
50 children, appropriations, human services and the judiciary, or such
51 chairpersons' and ranking members' designees; (8) the Child Advocate;
52 (9) the Commissioner of Children and Families, who shall be a
53 nonvoting ex-officio member of the council and shall attend its
54 meetings; (10) the executive director of the Court Support Services

55 Division of the Judicial Branch, or the executive director's designee;
56 (11) a judge of the superior court for juvenile matters, appointed by the
57 Chief Justice; (12) the Chief Public Defender, or the Chief Public
58 Defender's designee; and (13) six members representing the regional
59 advisory councils established pursuant to section 17a-30, who shall be
60 nonvoting ex-officio members of the council and shall attend its
61 meetings, appointed one each by the members of each council. On and
62 after [October 1, 2014] July 1, 2017, no more than half the members of
63 the council shall be persons who receive income from a private
64 practice or any public or private agency that delivers mental health,
65 substance abuse, child abuse prevention and treatment, child welfare
66 [services] or juvenile services. Members of the council shall serve
67 without compensation, except for necessary expenses incurred in the
68 performance of their duties. The Department of Children and Families
69 shall provide the council with funding to facilitate the participation of
70 those members representing families and youth, as well as for other
71 administrative support services. Members shall serve on the council
72 for terms of two years each and no member shall serve for more than
73 three consecutive terms. [The commissioner shall be an ex-officio
74 member of the council without vote and shall attend its meetings.] Any
75 member who fails to attend three consecutive meetings or fifty per cent
76 of all meetings during any calendar year shall be deemed to have
77 resigned. The council shall elect [a chairperson and vice-chairperson to
78 act in the chairperson's absence] two chairpersons from among its
79 members.

80 (b) The [council] State Oversight Council on Children and Families
81 shall meet [quarterly] bimonthly, and more often upon the call of the
82 [chair] chairpersons or a majority of the members. The council's
83 meetings shall be held at locations that facilitate participation by
84 members of the public, and its agenda and minutes shall be posted on
85 the [department's] Department of Children and Families' Internet web
86 site. A majority of the members in office, but not less than six
87 members, shall constitute a quorum. The council shall have complete
88 access to all records of the institutions and facilities of the department

89 in furtherance of its duties, while at all times protecting the right of
90 privacy of all individuals involved, as provided in section 17a-28.

91 (c) The duties of the [council] State Oversight Council on Children
92 and Families shall be to: (1) [Recommend] Monitor and evaluate the
93 policies and programs of the Department of Children and Families; (2)
94 recommend to the [commissioner] Commissioner of Children and
95 Families and the joint standing committee of the General Assembly
96 having cognizance of matters relating to children policies, programs,
97 legislation or other matters which will improve services for children
98 and youths, including behavioral health services; [(2)] (3) annually
99 review and advise [the] said commissioner and the joint standing
100 committees of the General Assembly having cognizance of matters
101 relating to appropriations and children regarding the proposed
102 budget; [(3)] (4) interpret to the community at large the policies, duties
103 and programs of the department; [(4) issue any reports it deems
104 necessary to the Governor and the Commissioner of Children and
105 Families;] (5) assist in the development of and review and comment on
106 the strategic plan developed by [the] such department pursuant to
107 subsection (b) of section 17a-3, as amended by this act; (6) receive on a
108 quarterly basis from [the] said commissioner a status report on [the]
109 such department's progress in carrying out the strategic plan; (7)
110 independently monitor [the] such department's progress in achieving
111 its goals as expressed in the strategic plan; and (8) offer assistance and
112 provide an outside perspective to [the] such department so that it may
113 [be able to] achieve the goals expressed in the strategic plan.

114 (d) Not later than January 1, 2018, and annually thereafter, the State
115 Oversight Council on Children and Families shall submit a report, in
116 accordance with the provisions of section 11-4a, to the joint standing
117 committee of the General Assembly having cognizance of matters
118 relating to children. Such report shall include findings and
119 recommendations regarding (1) the implementation of the Department
120 of Children and Families' family assessment response program,
121 focusing on (A) the effectiveness of initial risk assessments, including

122 the training of department personnel tasked with making such
123 assessments and the consistency and adequacy of the application of
124 risk assessment tools by such personnel, (B) the appropriateness of
125 referrals made to the program, and (C) such department's policies
126 regarding monitoring and reporting outcomes for children, youths and
127 families involved in the program; (2) such department's foster care and
128 kinship placement programs, including (A) licensing policies and
129 practices and statutory and regulatory compliance with such policies
130 and practices, (B) the initial risk assessment, screening and approval of
131 prospective foster parents and kinship placements, and (C) such
132 department's policies regarding identifying and mitigating risks to
133 children and youths in foster care and kinship placements and
134 methods of monitoring and reporting on outcomes; (3) such
135 department's risk assessment tools, focusing on such tools' reliability
136 and efficacy and the consistency of such tools' application by
137 department personnel; (4) the use of voluntary agreements with the
138 parents and guardians of children and youths who are at risk for or are
139 victims of abuse or neglect, focusing on the appropriateness of the use
140 of such agreements, whether such agreements address and mitigate
141 identified risks and how compliance with such agreements is
142 monitored and reported by such department; and (5) such
143 department's policies and practices regarding responding to the
144 suspected abuse or neglect of vulnerable children, including, but not
145 limited to, children from birth to age three and children with severe
146 developmental or physical disabilities and whether such policies and
147 practices do or should include the implementation of expedited and
148 heightened risk assessment and case supervision, frequent visitation
149 and contacts by department personnel and increased documentation
150 and reporting of such cases. Such report shall also include information
151 regarding activities undertaken by the council in furtherance of its
152 duties pursuant to subsection (c) of this section and any findings and
153 recommendations that arise in the course of undertaking such duties.

154 (e) Not later than November 1, 2019, and annually thereafter, the
155 joint standing committee of the General Assembly having cognizance

156 of matters relating to children shall make a presentation to the State
157 Oversight Council on Children and Families regarding the annual
158 report card maintained pursuant to section 2-53m. On and after
159 January 1, 2020, recommendations contained in any report submitted
160 by the council pursuant to subsection (d) of this section shall take into
161 consideration the findings of such report card.

162 (f) Not later than thirty days after receipt of the report submitted
163 pursuant to subsection (d) of this section, the joint standing committee
164 of the General Assembly having cognizance of matters relating to
165 children, shall, in conjunction with the chairpersons of the State
166 Oversight Council on Children and Families, hold an informational
167 hearing on such report.

168 Sec. 2. Subsection (f) of section 2c-2h of the general statutes is
169 repealed and the following is substituted in lieu thereof (*Effective July*
170 *1, 2017*):

171 (f) Not later than July 1, 2019, and not later than every ten years
172 thereafter, the joint standing committee of the General Assembly
173 having cognizance of any of the following governmental entities or
174 programs shall conduct a review of the applicable entity or program in
175 accordance with the provisions of section 2c-3:

176 (1) Board of Examiners of Psychologists, established under section
177 20-186;

178 (2) State Dental Commission, established under section 20-103a;

179 (3) State Board of Examiners for Professional Engineers and Land
180 Surveyors, established under section 20-300;

181 (4) Heating, Piping, Cooling and Sheet Metal Work Board,
182 established under section 20-331;

183 (5) [Advisory] State Oversight Council on Children and Families,
184 established under section 17a-4, as amended by this act;

185 (6) Regulation of speech and language pathologists pursuant to
186 chapter 399;

187 (7) Connecticut Siting Council, established under section 16-50j; and

188 (8) Advisory Council for Special Education, established under
189 section 10-76i.

190 Sec. 3. Section 17a-1 of the general statutes is repealed and the
191 following is substituted in lieu thereof (*Effective July 1, 2017*):

192 As used in sections 17a-1 to 17a-26, inclusive, as amended by this
193 act, 17a-28 to 17a-49, inclusive, 17a-127 and 46b-120, unless otherwise
194 provided in said sections:

195 (1) "Commissioner" means the Commissioner of Children and
196 Families;

197 (2) "Council" means the State [Advisory] Oversight Council on
198 Children and Families;

199 (3) "Advisory committee" means the Children's Behavioral Health
200 Advisory Committee;

201 (4) "Department" means the Department of Children and Families;

202 (5) "Child" means a child, as defined in section 46b-120;

203 (6) "Youth" means a youth, as defined in section 46b-120;

204 (7) "Delinquent child" means a child convicted of a delinquent act,
205 as defined in section 46b-120;

206 (8) "Child or youth with behavioral health needs" means a child or
207 youth who is suffering from one or more mental disorders as defined
208 in the most recent edition of the American Psychiatric Association's
209 "Diagnostic and Statistical Manual of Mental Disorders";

210 (9) "Individual service plan" means a written plan to access

211 specialized, coordinated and integrated care for a child or youth with
212 complex behavioral health service needs that is designed to meet the
213 needs of the child or youth and his or her family and may include,
214 when appropriate (A) an assessment of the individual needs of the
215 child or youth, (B) an identification of service needs, (C) an
216 identification of services that are currently being provided, (D) an
217 identification of opportunities for full participation by parents or
218 emancipated minors, (E) a reintegration plan when an out-of-home
219 placement is made or recommended, (F) an identification of criteria for
220 evaluating the effectiveness and appropriateness of such plan, and (G)
221 coordination of the individual service plan with any educational
222 services provided to the child or youth. The plan shall be subject to
223 review at least every six months or upon reasonable request by the
224 parent based on a changed circumstance, and be approved, in writing,
225 by the parents, guardian of a child or youth and emancipated minors;

226 (10) "Family" means a child or youth with behavioral health needs
227 and (A) one or more biological or adoptive parents, except for a parent
228 whose parental rights have been terminated, (B) one or more persons
229 to whom legal custody or guardianship has been given, or (C) one or
230 more adults who have a primary responsibility for providing
231 continuous care to such child or youth;

232 (11) "Parent" means a biological or adoptive parent, except a parent
233 whose parental rights have been terminated;

234 (12) "Guardian" means a person who has a judicially created
235 relationship between a child or youth and such person that is intended
236 to be permanent and self-sustaining as evidenced by the transfer to
237 such person of the following parental rights with respect to the child or
238 youth: (A) The obligation of care and control; (B) the authority to make
239 major decisions affecting the child's or youth's welfare, including, but
240 not limited to, consent determinations regarding marriage, enlistment
241 in the armed forces and major medical, psychiatric or surgical
242 treatment; (C) the obligation of protection of the child or youth; (D) the
243 obligation to provide access to education; and (E) custody of the child

244 or youth;

245 (13) "Serious emotional disturbance" and "seriously emotionally
246 disturbed" means, with regard to a child or youth, that the child or
247 youth (A) has a range of diagnosable mental, behavioral or emotional
248 disorders of sufficient duration to meet diagnostic criteria specified in
249 the most recent edition of the American Psychiatric Association's
250 "Diagnostic and Statistical Manual of Mental Disorders", and (B)
251 exhibits behaviors that substantially interfere with or limit the child's
252 or youth's ability to function in the family, school or community and
253 are not a temporary response to a stressful situation;

254 (14) "Child or youth with complex behavioral health service needs"
255 means a child or youth with behavioral health needs who needs
256 specialized, coordinated behavioral health services;

257 (15) "Transition services" means services in the areas of education,
258 employment, housing and community living designed to assist a youth
259 with a serious emotional disturbance who is transitioning into
260 adulthood; and

261 (16) "Community collaborative" means a local consortium of public
262 and private health care providers, parents and guardians of children
263 with behavioral health needs and service and education agencies that
264 have organized to develop coordinated comprehensive community
265 resources for children or youths with complex behavioral health
266 service needs and their families in accordance with principles and
267 goals of Connecticut Community KidCare.

268 Sec. 4. Subsection (b) of section 17a-3 of the general statutes is
269 repealed and the following is substituted in lieu thereof (*Effective July*
270 *1, 2017*):

271 (b) (1) The department, with the assistance of the State [Advisory]
272 Oversight Council on Children and Families, and in consultation with
273 representatives of the children and families served by the department,
274 providers of services to children and families, advocates, and others

275 interested in the well-being of children and families in this state, shall
276 develop and regularly update a single, comprehensive strategic plan
277 for meeting the needs of children and families served by the
278 department. In developing and updating the strategic plan, the
279 department shall identify and define agency goals and indicators of
280 progress, including benchmarks, in achieving such goals. The strategic
281 plan shall include, but not be limited to: (A) The department's mission
282 statement; (B) the expected results for the department and each of its
283 mandated areas of responsibility; (C) a schedule of action steps and a
284 time frame for achieving such results and fulfilling the department's
285 mission that includes strategies for working with other state agencies
286 to leverage resources and coordinate service delivery; (D) priorities for
287 services and estimates of the funding and other resources necessary to
288 carry them out; (E) standards for programs and services that are based
289 on research-based best practices, when available; and (F) relevant
290 measures of performance.

291 (2) The department shall begin the strategic planning process on
292 July 1, 2009. The department shall hold regional meetings on the plan
293 to ensure public input and shall post the plan and the plan's updates
294 and progress reports on the department's web site. The department
295 shall submit the strategic plan to the State [Advisory] Oversight
296 Council on Children and Families for review and comment prior to its
297 final submission to the General Assembly and the Governor. On or
298 before July 1, 2010, the department shall submit the strategic plan, in
299 accordance with section 11-4a, to the General Assembly and the
300 Governor.

301 (3) The commissioner shall track and report on progress in
302 achieving the strategic plan's goals not later than October 1, 2010, and
303 quarterly thereafter, to said State [Advisory Council] Oversight
304 Council on Children and Families. The commissioner shall submit a
305 status report on progress in achieving the results in the strategic plan,
306 in accordance with section 11-4a, not later than July 1, 2011, and
307 annually thereafter to the General Assembly, the joint standing

308 committee of the General Assembly having cognizance of matters
309 relating to children and the Governor.

310 Sec. 5. Subsections (e) and (f) of section 17a-4a of the general statutes
311 are repealed and the following is substituted in lieu thereof (*Effective*
312 *July 1, 2017*):

313 (e) Not later than October first of each year, the advisory committee
314 shall submit a status report on local systems of care and practice
315 standards for state-funded behavioral health programs to the
316 Commissioner of Children and Families and the State [Advisory]
317 Oversight Council on Children and Families.

318 (f) Not later than October first of each odd-numbered year, the
319 advisory committee shall submit recommendations concerning the
320 provision of behavioral health services for all children in the state to
321 the Commissioner of Children and Families and the State [Advisory]
322 Oversight Council on Children and Families. The recommendations
323 shall address, but shall not be limited to, the following: (1) The target
324 population for children with behavioral health needs, and assessment
325 and benefit options for children with such needs; (2) the
326 appropriateness and quality of care for children with behavioral health
327 needs; (3) the coordination of behavioral health services provided
328 under the HUSKY Health program with services provided by other
329 publicly-funded programs; (4) performance standards for preventive
330 services, family supports and emergency service training programs; (5)
331 assessments of community-based and residential care programs; (6)
332 outcome measurements by reviewing provider practice; and (7) a
333 medication protocol and standards for the monitoring of medication
334 and after-care programs.

335 Sec. 6. Subsection (m) of section 17a-6 of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective July*
337 *1, 2017*):

338 (m) Submit to the [state advisory council] State Oversight Council

339 on Children and Families for its comment proposals for new policies or
340 programs and the proposed budget for the department;

341 Sec. 7. Section 17a-9 of the general statutes is repealed and the
342 following is substituted in lieu thereof (*Effective July 1, 2017*):

343 (a) The commissioner shall appoint, after consultation with the
344 [state advisory council] State Oversight Council on Children and
345 Families, and may remove in a like manner, two deputy
346 commissioners who shall be in the unclassified service. The deputy
347 commissioner for program services shall be a clinically competent
348 professional person experienced in one or more fields of children's
349 services and in the administration of such services, and shall be
350 responsible for the supervision of all clinical treatment and program
351 services of the department. The deputy commissioner of
352 administrative services shall have experience in business or
353 institutional administration and shall be responsible for the
354 organizational and general administrative services of the department.

355 (b) The commissioner shall appoint, after consultation with the
356 [state advisory council] State Oversight Council on Children and
357 Families, and may remove in like manner, not more than two program
358 directors who shall be in the unclassified service, provided the title or
359 duties of any director appointed pursuant to this subsection may be
360 changed as the commissioner deems necessary after consultation with
361 the state advisory council. Such directors may oversee community
362 programs and services and the operation of institutions and facilities.

363 (c) The commissioner shall, in accordance with chapter 67 and after
364 consultation with the [state advisory council] State Oversight Council
365 on Children and Families, appoint the administrative heads of all of
366 the institutions and facilities transferred to the department and such
367 other institutions and facilities as now are or hereafter may be
368 established by or transferred to the department. Such administrative
369 heads shall have skill and experience in the administration of
370 children's services and shall manage their institutions and facilities in

371 accordance with the regulations and orders of the commissioner.

372 (d) The commissioner shall, after consultation with the [state
373 advisory council] State Oversight Council on Children and Families,
374 appoint and may remove in a like manner, up to six regional directors
375 who shall be in the unclassified service. Each regional director shall
376 have skill and experience in the field of children's services and in the
377 administration of such services. Each regional director shall be subject
378 to the direction of the commissioner and shall be responsible for the
379 operation and administration of services provided or funded by the
380 department in the regions created by the commissioner pursuant to
381 subsection (a) of section 17a-30.

382 Sec. 8. Section 17a-32a of the general statutes is repealed and the
383 following is substituted in lieu thereof (*Effective July 1, 2017*):

384 (a) The facilities that come under the jurisdiction of the Department
385 of Children and Families, as enumerated in section 17a-32, shall submit
386 an annual report to the State [Advisory] Oversight Council on
387 Children and Families and to their respective advisory groups,
388 established pursuant to subsection (b) of section 17a-6. The report shall
389 include, but not be limited to: (1) Aggregate profiles of the residents;
390 (2) a description of and update on major initiatives; (3) key outcome
391 indicators and results; (4) costs associated with operating the facility;
392 and (5) a description of educational, vocational and literacy programs,
393 and behavioral, treatment and other services available to the residents
394 and their outcomes. Each report submitted pursuant to this subsection
395 shall be posted on the department's web site.

396 (b) Such advisory groups shall respond to their facility's annual
397 report, submitted pursuant to subsection (a) of this section, and
398 provide any recommendations for improvement or enhancement that
399 they deem necessary.

400 (c) The Department of Children and Families shall serve as
401 administrative staff of such advisory groups.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	17a-4
Sec. 2	<i>July 1, 2017</i>	2c-2h(f)
Sec. 3	<i>July 1, 2017</i>	17a-1
Sec. 4	<i>July 1, 2017</i>	17a-3(b)
Sec. 5	<i>July 1, 2017</i>	17a-4a(e) and (f)
Sec. 6	<i>July 1, 2017</i>	17a-6(m)
Sec. 7	<i>July 1, 2017</i>	17a-9
Sec. 8	<i>July 1, 2017</i>	17a-32a

Statement of Legislative Commissioners:

In Section 1(a), "October 1," was bracketed and "July 1," was inserted for internal consistency, and "services" was bracketed for clarity.

KID *Joint Favorable Subst.*